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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-413

11 **DEFAULT DECISION AND ORDER**

12 **ANNE DELORES SHING**
13 **2734 Akard Avenue**
14 **Redding, CA 96001**
15 **Registered Nurse License No. 431220**

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about December 30, 2011 Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, filed Accusation
20 No. 2012-413 against Anne Delores Shing (Respondent) before the Department of Consumer
21 Affairs. (Accusation attached as Exhibit A.)

22 2. On or about August 31, 1988, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 431220 to Respondent. The Registered Nurse License was in full
24 force and effect at all times relevant to the charges brought in Accusation No. 2012-413 and will
25 expire on May 31, 2012, unless renewed.

26 3. On or about December 30, 2011 Respondent was served by Certified and First Class
27 Mail copies of the Accusation No. 2012-413, Statement to Respondent, Notice of Defense,
28 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,

1 and 11507.7) at Respondent's address of record which, pursuant to California Code of
2 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
3 which was and is:

4 2734 Akard Avenue
5 Redding, CA 96001.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. On or about January 20, 2012, the certification receipt for the aforementioned
10 documents were returned by the U.S. Postal Service and showed that the documents were
11 delivered and signed for by Respondent.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
20 413.

21 8. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 2012-413, finds

1 that the charges and allegations in Accusation No. 2012-413, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$892.50 as of February 2, 2012.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Anne Delores Shing has
8 subjected her Registered Nurse License No. 431220 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Department of Consumer Affairs is authorized to revoke Respondent's
11 Registered Nurse License based upon the following violations alleged in the Accusation which
12 are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

13 a. Respondent is subject to discipline under Code section 2761(f), in that she was
14 convicted on five separate occasions, for crimes that are substantially related to the qualifications,
15 functions or duties of a licensed registered nurse.

16 b. Respondent is subject to discipline under Code sections 2761(a) on the grounds of
17 unprofessional conduct, as defined in Code section 2762(b), in that on two occasions, Respondent
18 used an alcoholic beverage to an extent or in a manner dangerous or injurious to herself and the
19 public.

20 c. Respondent is subject to discipline under Code section 2761(a), on the grounds of
21 unprofessional conduct as defined in Code section 2762(c), in that on two occasions, Respondent
22 was convicted of crimes involving the consumption of alcohol.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 431220, heretofore issued to Respondent Anne Delores Shing, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 3, 2012.

It is so ORDERED July 5, 2012



FOR THE DEPARTMENT OF CONSUMER
AFFAIRS
THE SUCCESSOR TO THE BOARD OF
REGISTERED NURSING

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Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643

7 *Attorneys for Complainant*

8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2012-413

14 **ANNE DELORES SHING**
2734 Akard Avenue
Redding, CA 96001

ACCUSATION

15 **Registered Nurse License No. 431220**

16 Respondent.

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19 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.
23 2. On or about August 31, 1988, the Board issued Registered Nurse License Number
24 431220 to Anne Delores Shing, ("Respondent"). The license was in full force and effect at all
25 times relevant to the charges brought herein and will expire on May 31, 2012, unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct.

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

...

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of Crimes)**

8 8. Respondent is subject to discipline under Code section 2761(f), in that she was
9 convicted of the following crimes that are substantially related to the qualifications, functions or
10 duties of a licensed registered nurse:

11 a. On or about September 11, 2009, in the case of *People v. Anne Delores Shing*,
12 *aka Anne Delores Fish, aka Anne Delores Fishing*, (Super. Ct. Shasta County, Case No. 09-
13 CTR6172) Respondent was convicted by the Court on her plea of guilty of violating
14 Vehicle Code section 23152(b) (driving a motor vehicle with a blood alcohol level of .08%
15 or higher), and Vehicle Code section 14601.1(a) (driving a motor vehicle when driving
16 privilege was suspended/revoked), misdemeanors. Respondent admitted to the following
17 enhancements: Vehicle Code section 23540 (a prior conviction of Vehicle Code section
18 23152(b) on May 12, 2000 in Case No. 00-3512); Vehicle Code section 23572 (during the
19 commission of the above offense, Respondent had a passenger in the vehicle who was
20 under the age of 14 years old); and, Vehicle Code section 14601(b)(2) (a prior conviction of
21 Vehicle Code section 14601 within the last five years, on February 27, 2006 in Case No.
22 04-CTR517), misdemeanors.

23 The circumstances of the crime were that on or about July 26, 2009, Respondent
24 willfully and unlawfully drove a motor vehicle while having 0.08% or more, by weight, of
25 alcohol in her blood, to wit: .13%, and had a passenger in the vehicle who was 5 years old.

26 In addition, while driving her motor vehicle, Respondent made an unsafe turn, endangering
27 the life of a pedestrian. Respondent was placed on 5 years of probation, sentenced to 20
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1 days of jail, ordered to abstain from alcohol and to install and Ignition Interlock Device on
2 her vehicle for 3 years.

3 b. On or about January 26, 2009, in the case of *People v. Anne Delores Shing, aka*
4 *Anne Delores Fish, aka Anne Delores Fishing*, (Super. Ct. Shasta County, Case No. 08-
5 CTR9939), Respondent was convicted by the Court on her plea of guilty of violating
6 Vehicle Code section 12500A (driving a motor vehicle upon a highway without holding a
7 valid driver's license), a misdemeanor. At the time of the offense, Respondent was on
8 probation for the offense set forth in subsection (c) below. Respondent was ordered to pay
9 fines and fees.

10 c. On or about February 27, 2006, in the case of *People v. Anne Delores Shing,*
11 *aka Anne Delores Fish, aka Anne Delores Fishing*, (Super. Ct. Shasta County, Case No. 04-
12 CTR517), Respondent was convicted by the Court on her plea of guilty of violating Vehicle
13 Code section 14601.1(a) (driving a motor vehicle when driving privilege was
14 suspended/revoked), and Vehicle Code section 16028(A) (failure to provide evidence of
15 financial responsibility), misdemeanors. Respondent admitted to the following
16 enhancements: Vehicle Code section 14601 (a prior conviction of Vehicle Code section
17 14601 within the last five years, on May 12, 2000 in Case No. 00-3512 (a misdemeanor),
18 and a prior conviction on March 26, 2002¹ in Case No. 01-INTR18497 (an infraction).
19 Respondent was sentenced to 3 years of probation and 15 days in jail.

20 d. On or about February 4, 2004, in the case of *People v. Anne Delores Shing,*
21 (Super. Ct. Shasta County, Case No. 01-INTR18497), Respondent was convicted by the
22 Court on her plea of guilty of violating Vehicle Code section 27315(d) (lack of proper
23 seatbelt restraints), Vehicle Code section 14601.1(a) (driving a motor vehicle when driving
24 privilege was suspended/revoked), and Vehicle Code section 27360.5(b) (lack of proper
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27 ¹ Although the Complaint filed alleges a previous conviction of March 26, 2002 in Case No. 01-INTR8497,
28 the actual court records in Case No. 01-INTR8497 reveal a conviction date of February 24, 2004, as set forth in
paragraph 8, subsection (d).

1 child restraints while in vehicle), infractions. Respondent was ordered to pay fines and
2 fees.

3 e. On or about May 12, 2000, in the case of *People v. Anne Delores Shing, aka*
4 *Anne Delores Fish, aka Annie Delores Fishing*, (Super. Ct. Shasta County, Case No. 00-
5 3512), Respondent was convicted by the Court on her plea of guilty of violating Vehicle
6 Code section 23152(b) (driving a motor vehicle with a blood alcohol level of .08% or
7 higher), and Vehicle Code section 14601.1(a) (driving a motor vehicle when driving
8 privilege was suspended/revoked).

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Dangerous Use of Alcohol)**

11 9. Respondent is subject to discipline under Code sections 2761(a), on the grounds of
12 unprofessional conduct, as defined in Code section 2762(b), in that on or about July 26, 2009, and
13 April 4, 2000, Respondent used an alcoholic beverage to an extent or in a manner dangerous or
14 injurious to herself and the public when she operated a motor vehicle while under the influence of
15 alcohol, as more particularly set forth above in paragraph 8, subsections (a) and (e).

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Conviction Involving the Consumption of Alcohol)**

18 10. Respondent is subject to discipline under Code section 2761(a), on the grounds of
19 unprofessional conduct as defined in Code section 2762(c), in that on or about May 12, 2000, and
20 September 11, 2009, Respondent was convicted of crimes involving the consumption of alcohol,
21 as more particularly set forth above in paragraph 8, subsections (a) and (e).

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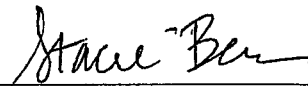
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 431220, issued to Anne Delores Shing;
2. Ordering Anne Delores Shing, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

12/30/2011

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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